

## **NIH POLICY MANUAL**

### **1952 - EMPLOYMENT EMERGENCY PAYMENTS**

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#### **A. Purpose:**

This chapter prescribes the policy and procedures that are applicable to the processing of Employee Emergency Payments (EEPs) for NIH employees.

#### **B. Scope:**

These procedures are applicable to all permanent NIH employees and Experts hired under multiple year appointments, whose salary checks are not received by the due date.

#### **C. Authorities:**

##### **1. Issuance of Employee Emergency Payments**

On November 24, 1987, the Deputy Assistant Secretary, Finance, reinstated the authority for HHS Finance Officers to use imprest funds to issue EEPs to employees. In addition, a blanket authorization has been issued by HHS to the Department of the Treasury authorizing certifying officers and alternates at all accounting stations to certify EEPs under this procedure.

##### **2. Collection of Delinquent Repayments**

The Debt Collection Act of 1982 (P.L. 97-365) implemented by 45 CFR Part 30, and 5 CFR Part 550; Federal Claims Collection Standards (4 CFR Part 102); and HHS claims collection policies will govern the procedures used to collect delinquent EEP repayments.

#### **D. Amount Available:**

The amount of an EEP will be limited to the lesser amount of: 1) an employee's normal net salary payment, as shown on the most recent Form OS 340, Earnings and Leave Statement; or 2) the amount of the missing salary payment as computed by the Payroll Operations Group (POG), Office of the Assistant Secretary for Personnel Administration, HHS. This amount will be rounded down to the nearest whole dollar, with a ceiling of \$2,500.00. An EEP is available only for time actually worked and/or for which leave has been approved. If an employee has Leave Without Pay (LWOP) or

an Absence Without Leave (AWOL) applicable to a pay period for which an EEP is requested, the amount applicable to the LWOP or AWOL must be deducted from the net salary according to the employee's hourly rate. In addition, an EEP will not include any overtime or other pay differential. If the employee is a new employee, the payment must not exceed the net check as calculated by the POG, HHS.

#### **E. Limitations:**

Permanent employees and Experts hired under multiple-year appointments will be eligible to apply for EEPs under the following circumstances.

1. A payroll check is not received in the mail by the employee or by a financial institution (direct deposit) by payday, and the employee will not be paid on the regular or "mini" payroll. If a salary check is mailed and the address is correct, an EEP will not be issued until the Monday following the payday that the check was not received.

2. A payroll check is lost, stolen, or destroyed.

An EEP cannot be issued as an advance of salary or payment of an award.

#### **F. Employee Emergency Payment Procedures:**

1. Notification to the Chief, Payroll Operations Section (POS), Systems and Actions Branch, Division of Personnel Management (DPM)

The employee's payroll representative will advise the Chief, POS, DPM, or his/her designee, that an employee's salary payment is missing.

2. Determination of Status of Missing Salary Payment

Before any other steps are taken, the Chief, POS, DPM, or one of his/her employees, will contact the POG, HHS, to determine the status of the missing salary payment. The Chief, POS, DPM, or his/her designee, will request that the POG, HHS, either issue a replacement salary payment or begin procedures to stop payment and trace the missing check. Once the status has been determined, the Chief, POS, DPM, or his/her designee, will advise the payroll representative on the employee's eligibility for an EEP. The Chief, POS, DPM, or his/her designee, will also advise the payroll representative if the employee must allow for mail time in accordance with Section E of this Issuance.

3. Preparation of HHS Form NIH 2676-1, Health and Human Services Employee Emergency Payment Request, Promissory Repayment Agreement, and Salary Offset Authorization

Once eligibility has been determined, the employee and the payroll representative will complete Form NIH 2676-1 (Illustration 1). A copy of the employee's most recent Form OS 340, HHS Earnings and Leave Statement,

must be attached to Form NIH 2676-1. If Form OS 340 is not available because the employee is new, a copy of the employee's SF 50-B, Notification of Personnel Action, must be attached. The employee must sign Form NIH 2676-1 to indicate his/her concurrence.

The payroll representative is responsible for determining whether the employee is due a full EEP based on net salary or if deductions should be made for LWOP or AWOL. The payroll representative will make this determination by contacting the employee's timekeeper to review a copy of the timecard submitted for the appropriate pay period.

#### 4. Approving Officials

##### a. Approval and Certification by Employee's Supervisor and ICD Administrative Officer

Form NIH 2676-1 will be reviewed and approved by the employee's supervisor and ICD Administrative Officer.

By signing Form NIH 2676-1, the employee's supervisor and ICD Administrative Officer also agree to assist in the collection of the debt if the employee fails to repay the EEP.

##### b. Approval of Form NIH 2676-1 by the Chief, Payroll Operations Section, DPM

Form NIH 2676-1 will be submitted, with a copy of the employee's Form OS 340 or SF 50-B attached, to the POS, DPM, in Building 31, Room B1C10. The POS, DPM, is required to follow the HHS procedures wherein POS, DPM, personnel must verify with the POG, HHS, the status of the original salary payment and initiate action with the POG, HHS, to reissue the check. The Chief, POS, DPM, will sign Form NIH 2676-1 indicating that the information has been reviewed for accuracy and that the POS, DPM, has taken action to notify the appropriate administrative area of the action necessary to ensure that the employee will receive future salary payments.

##### c. Final Approval by the Chief, Disbursing Services Section (DSS), Operations Accounting Branch (OAB), Division of Financial Management (DFM)

Form NIH 2676-1 will be forwarded by the POS, DPM, to the Chief, DSS, OAB, DFM, who will indicate approval by signing Form NIH 2676-1 when all requirements have been met. The Chief, DSS, will have final approval authority of EEPs. If an EEP is not approved the reason will be provided in writing.

## 5. Disbursement of Funds

The DSS will notify the employee by telephone when the EEP has been approved. The employee will present Form NIH 2676-1, with Form OS 340 or SF 50-B attached, to the Teller in the Cashier Station located in Building 31, Room B1B23, for payment. The Teller will retain the original and will provide the employee with a copy of Form NIH 2676-1. The Teller will issue a NIH check to the employee when proper identification is provided. A payment under this procedure will be charged as an emergency advance to the appropriation to which the employee's salary is normally charged.

## 6. Repayment of Funds

Repayment of the EEP is due in full within 30 days of receipt of the EEP. The employee should deliver a check made payable to the HHS to the Cashier Station in Building 31, Room B1B23. The employee will receive a receipt from the Teller for the repayment.

In the event the reason for issuance of the EEP is still valid at the end of the 30-day period, the employee may request an extension of the payback period by completing HHS Form NIH 2676-2, Amendment to Employee Emergency Payment Request, Promissory Repayment Agreement, and Salary Offset Authorization (Illustration 2). The employee must then submit Form NIH 2676-2 to the Chief, Accounting Section, OAB, DFM, in Building 31, Room B1B62, for approval.

In the event that the employee does not make timely repayment and an extension of the payback period has not been approved, the Accounting Section will perform a final calculation of the debt, advise the employee of the amount due, and collect the outstanding balance in accordance with the terms of Form NIH 2676-1.

## **G. Employee Liability/Repayment Policy:**

The employee is liable to repay the Federal Government within 30 days from the date that the EEP was issued. If repayment has not been completed within 30 days from receipt of the replacement salary check and an extension of the payback period has not been approved by the Chief, Accounting Section, OAB, DFM, the employee will be subjected to late payment interest charges, administrative costs, penalties (in addition to the actual emergency payment amount) and other collection actions as authorized. If the debt is paid within 30 days after the due date, however, interest and administrative fees will not be charged.

Late payment interest charges start accruing from the date the EEP was issued, and is assessed on 30-day periods. A partial period is considered a full period. The employee will be charged interest at the Private Consumer Rate that is in effect on the date the EEP was issued.

Administrative charges start accruing 31 days from the date of the EEP and are \$20.00 for each 30-day period or portion thereof that the repayment is late.

Penalty charges of 6 percent will be charged on repayments that are more than 90 days late and will accrue starting 121 days from the date of the EEP.

As provided for in Form NIH 2676-1, the employee authorizes the NIH to initiate offset of the full amount of the EEP indicated on Form NIH 2676-1 plus applicable interest, administrative fees, and penalty charges from payroll and "any other funds" due the employee. If a payroll offset becomes necessary, an initial POG, HHS, fee of \$10.00 will be assessed for each debt offset. A POG, HHS, charge of \$3.00 will also be assessed for each subsequent installment of the same debt if the debt cannot be collected from one salary payment. These fees are subject to change without prior written notice. For extra copies of this chapter, send a Form NIH 414-5 to the Printing and Reproduction Branch, DAS in Building 31, Room B3BE07.

#### **H. Questions:**

Questions concerning this chapter may be referred to the OAB, DFM, on 496-6871.

#### **I. Additional Copies of this Chapter:**

For additional copies of this chapter, send a completed Form NIH 414-5 to the Printing and Reproduction Branch, Division of Technical Services, Building 31, Room B4B-N-09 or call 496-6871.

Refer to Hardcopy Illustration 1

Refer to Hardcopy Illustration 2

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